

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1, 2, 15, 32, 33, 37, 38, 51, 52, 69, 73, 77, 82, 85, 87 and 89 have been amended. Support for the amendments to the claims may be found throughout the specification and the claims as originally filed, including, for example, at page 4, lines 17-22 in the specification. No new matter has been added. Claims 5, 16, 41, 53 and 78 have been canceled without prejudice or disclaimer. Additionally, although applicants disagree with the Examiner's arguments for restricting the claims in the present application as noted on pages 29-30 of the Office Action, nonelected claims 91-97 have been canceled without prejudice or disclaimer as required.

Upon entry of the amendment, claims 1-4, 6-15, 17-40, 42-52, 54-77 and 79-90 will be pending in the present application with claims 1, 2, 15, 32, 33, 37, 38, 51, 52, 69, 73, 77, 82, 85, 87 and 89 being independent.

Applicants thank Examiner Mancho for the courtesies extended to applicants' representative, Mr. Sung Kim, during a telephone interview conducted on February 22, 2006. The substance of the interview is incorporated in the remarks that follow.

1. Rejection of Claims 1-15, 17-52 and 54-90 Under 35 U.S.C. §102(b)

The Office Action rejects claims 1-15, 17-52 and 54-90 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,732,074 to Spaur et al. ("Spaur"). Applicants respectfully traverse this rejection.

Spaur discloses a mobile portable wireless communication system including a computer terminal at a remote site that can communicate with a first standard communications network link, such as the Internet, through a modem. The computer terminal supplies a browser with an IP (internet protocol) address that is associated with a particular vehicle including

communications related hardware contained in the vehicle. Typically, the IP address is accompanied by a request or command for information or data that is available from the vehicle (see col. 2, lines 25-37; Figures 1 and 2). The system allows for bi-directional communication between one or more remote stations 10a-10n and a vehicle, which includes a wireless device 18 that is able to transmit and receive information via an airlink to the remote stations and allows for bi-directional communication with a controller 30 in the vehicle (see col. 5, lines 41-43; col. 6, lines 3-14). The controller 30 includes a TCP/IP stack, which acts on a received request or command by performing a number of functions. The received request has an IP address associated with it that is checked for accuracy (see col. 3, lines 1-4).

In the Office Action, the Examiner appears to interpret the term “schema” as recited in the claims as an IP address. However, the term “schema” as recited in the claims is described in the specification as follows:

the communication software supported by the data-collection component features a schema component that identifies the diagnostic data to be collected from the vehicle's computer. The schema component features an address that describes a location of a diagnostic datum in the vehicle's computer memory (see page 4, lines 17-20).

The schema is essentially a ‘map’ that describes the data that the wireless appliance collects from the vehicle's engine computer, and its corresponding location in the computer's memory (see page 12, lines 12-14).

Spaur discloses that a vehicle or controller, or individual vehicle devices, are associated with IP addresses that are utilized by the Internet in connection with communicating information to and from a vehicle (see col. 11, lines 27-37). Therefore, Spaur teaches that the IP addresses are used to identify *physical components* of the vehicle for data communication. Spaur does not disclose using the IP addresses to identify *specific data* in the memory of a computer. In fact,

Spaur fails to disclose any schema, or map, identifying specific data. In the present application, a schema identifies a subset of operational characteristics, wherein the operational characteristics comprise data and not physical components. Consequently, Spaur fails to disclose or suggest a schema identifying a subset of a set of operational characteristics that are monitored by the on-board diagnostic computer.

Furthermore, in the present application, the schema may include information that regulates the time or frequency for collecting data from a vehicle's computer (e.g., every 10 minutes) (see specification, page 4, lines 20-22; page 11, lines 7-10). However, Spaur fails to disclose or suggest a schema including a field that describes a time or frequency for querying, or collecting data from, a vehicle's on-board diagnostic computer.

In contrast to Spaur, independent claims 1, 2, 15, 32, 33, 37, 38, 51, 52, 69, 73, 77, 82, 85, 87 and 89 of the present application include, in some form, the limitation of a schema identifying a subset of a set of operational characteristics that are monitored by an on-board diagnostic computer. Furthermore, in contrast to Spaur, the independent claims of the present application include, in some form, the limitation of a schema including a field that describes a time or frequency for querying, or collecting data from, a vehicle's on-board diagnostic computer.

As discussed above, Spaur does not disclose these claim limitations. Accordingly, claims 1, 2, 15, 32, 33, 37, 38, 51, 52, 69, 73, 77, 82, 85, 87 and 89, and their respective dependent claims, are allowable.

Applicants note that claims 5, 41 and 78 have been canceled. Therefore, the rejection of these claims is rendered moot.

2. Conclusion

In view of the above, claims 1-4, 6-15, 17-40, 42-52, 54-77 and 79-90 clearly recite elements that are neither disclosed nor suggested by the prior art, including Spaur. Applicants

submit that such claims are allowable for at least this reason. Accordingly, reconsideration and withdrawal of the rejections are requested.

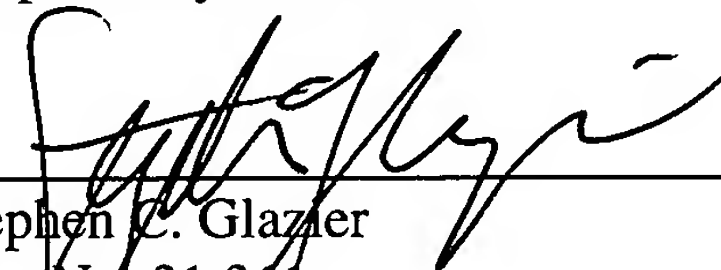
Applicants submit that the present application is in condition for allowance and requests favorable action in the form of a Notice of Allowance. Should the Examiner believe that this application is in condition for disposition other than allowance, the Examiner is invited to contact the undersigned at the telephone number listed below in order to address the Examiner's concerns.

Please apply any necessary additional charges or credits to Deposit Account 50-1721.

Date: _____

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Respectfully submitted,



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